

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 784 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

- =====
1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
  2. To be referred to the Reporter or not? : NO
  3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
  4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge? : NO

-----  
BLUE STAR LIMITED

Versus

BLUE STAR WORKERS UNION  
-----

Appearance:

MR KM PATEL for Petitioner

MR NR SHAHANI for Respondent No. 1  
-----

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 06/04/2000

ORAL JUDGEMENT

Learned advocate Mr. Patel is appearing for the petitioner. Learned advocate Mr. N.R. Shahani is appearing for the respondent union. In this petition, the petitioner has challenged the interim order passed by

the labour Court, Baroda in reference No. 77 of 1989 vide Exh.24 dated 3rd February, 1990. By passing the said order, the labour court has directed the petitioner to allow the workmen concerned in service without obtaining any bond from the concerned workmen. This Court, while admitting this petition on 9th February, 1990, has granted the interim stay of the impugned order subject to certain terms and conditions as incorporated in the said interim order dated 9th February, 1990. Instead of undertaking in the form insisted upon by the petitioner, undertaking in the modified form as detailed in the said order was directed to be filed by the concerned employees so that no admission of theirs can be said to have been taken in the undertaking so that no harm may be caused to the respondents and the petitioner may also feel that the undertaking has been obtained by them from the concerned employees before permitting them to resume their duties. The petitioner was directed to permit the respondent workmen to resume their duties on signing the written undertaking to the effect that after resuming the duties, the workman concerned will work peacefully and in a disciplined manner; he shall perform the duties in accordance with the provisions of the binding Settlement and the standards of production/productivity prescribed; that he shall act in accordance with the administrative rules and conditions of service and shall obey the lawful and reasonable orders and instructions of the superior officers and shall not participate in any illegal activity; that he shall perform duties as per the exigencies of the company and that he shall work in such a manner that the productivity is maintained and the plant, machinery or other property or material is not damaged; that for any of his complaint or dissatisfaction, he shall try to see that the same is dissolved lawfully and peacefully and that he shall not participate in any illegal strike, illegal Kambandhi etc. and shall not participate in any such activities;

In view of the pendency of the reference on the question of back wages, this Court has also directed the petitioner to pay on account and strictly without prejudice to the rights and contentions of the petitioner at least 30 per cent of the back wages to the concerned employees from 12.11.1988 till resumption of duties, as an ad hoc payment which was made subject to the final result of the reference and the hearing of the reference was also expedited by directing the labour court to decide and dispose of the said reference within six months therefrom with liberty to both the parties to apply in case of difficulty.

The interim order as aforesaid passed by this Court while admitting this petition is governing the field pending this petition as also pending the reference before the labour court. I am, therefore, of the view that this petition should be ordered to be disposed of in terms of the interim order passed by this court while admitting this petition on 9th February, 1990 by directing the parties to abide by the same till the ultimate conclusion and/or adjudication of the reference pending before the labour court. The learned advocates for the parties have also submitted that this petition can be disposed of in terms of the interim order passed by this court while admitting this petition on 9th February, 1990. Both the learned advocates have also prayed that since the reference is pending before the labour court since more than ten years, the labour court should be directed to decide and dispose of the same within some stipulated period.

Accordingly, this petition is ordered to be disposed of in terms of the interim order dated 9th February, 1990 passed by this court while admitting this petition and the same shall continue to operate till the final disposal of the main reference No. 77 of 1989 pending before the labour court. The labour Court, Baroda is directed to decide and dispose of the said reference within three months from the date of receipt of writ of this order. Both the parties are directed to extend positive cooperation in expeditious disposal of the said reference before the labour court. Rule is made absolute to the aforesaid extent with no order as to costs.

6.4.2000. (H.K.Rathod,J.)

Vyas